

May 21 and June 3, 1943; and charging that it was adulterated in that it consisted in whole or in part of a substance unfit for food.

On September 1, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

5551. Adulteration of shelled peanuts. U. S. v. 409 Bags of Shelled Spanish Peanuts. Consent decree of condemnation. Product ordered released under bond to be brought into compliance with the law. (F. D. C. No. 10663. Sample No. 42491-F.)

On September 14, 1943, the United States attorney for the Western District of Washington filed a libel against 409 bags of shelled Spanish peanuts at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about April 19, 1943, by the Consumers Peanut Co., from Stephenville, Tex.; and charging that it was adulterated in that it consisted in whole or in part of filthy substances by reason of the presence of larvae, pupae, and webbing.

On October 4, 1943, the Butler Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be brought into compliance with the law under the supervision of the Food and Drug Administration.

5552. Adulteration and misbranding of peanut butter. U. S. v. Jaxon Foods, Inc. Plea of nolo contendere. Fine of \$100 on count 1; fine of \$200 each on counts 2, 3, 4, and 5, with payment of the fines on these counts suspended and the defendant placed on probation for 2 years. (F. D. C. No. 10543. Sample Nos. 28451-F, 28452-F, 35401-F, 36064-F, 36111-F, 36113-F.)

On September 24, 1943, the United States attorney for the Southern District of Florida filed an information against Jaxon Foods, Inc., Jacksonville, Fla., alleging shipments within the period from on or about June 27, 1942, to February 5, 1943, from the State of Florida into the States of Georgia, South Carolina, Wyoming, and Colorado of quantities of peanut butter, a portion of which was adulterated and the remainder of which was misbranded. The article was labeled in part: (Jars) "Besmaid [or "Meadow Lark" or "Little Moore Brand"] Peanut Butter."

Certain shipments were alleged to be adulterated in that they consisted in whole or in part of filthy substances by reason of the presence of one or more of the following substances: Rodent hair fragments, grit, or dirt; and in that they had been prepared, packed, or held under insanitary conditions whereby they might have become contaminated with filth.

The other shipments ("Besmaid") were alleged to be misbranded in that the statements on the label of the jars "Net Wt. 12 Ozs," or "Net Wt. 1 Pound," were false and misleading since the jars contained less than the declared weights; and in that the label failed to bear an accurate statement of the quantity of the contents.

On October 9, 1943, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on count 1 and a fine of \$200 each on the remaining 4 counts. Payment of the fines on the last 4 counts was suspended and the defendant was placed on probation for 2 years, with the provision that the fines on such counts should be paid in the event it should violate the provisions of the law during such period.

5553. Adulteration of peanut butter. U. S. v. 75 Cases and 100 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 10303. Sample No. 42472-F.)

Examination of this product showed the presence of rodent hairs and rodent pellet fragments.

On July 26, 1943, the United States attorney for the District of Montana filed a libel against 75 cases, each containing 24 1-pound jars, and 100 cases, each containing 12 2-pound jars, of peanut butter at Butte, Mont., alleging that the article had been shipped by the Rogers Co. from Seattle, Wash., on or about July 3, 1943; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "School Boy Peanut Butter."

On September 24, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.